



## Legislation Text

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**File #:** Res 1773-2009, **Version:** A

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### Res. No. 1773-A

Resolution calling upon the New York State legislature to pass and the Governor to sign A. 6807 and S. 3185 of 2009, which authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise program at a cost premium not to exceed ten percent of the lowest bid.

By Council Members Seabrook, Barron, Brewer, Comrie, Dickens, Jackson, James, Liu, Mark-Viverito, Sanders Jr., Sears, Stewart, Weprin, White Jr., de Blasio and Weprin

Whereas, The City of New York Disparity Study of 2005 revealed a disparity between the availability and the utilization of Minority/Women Owned Business Enterprises (M/WBEs) in the award of government procurement contracts; and

Whereas, in 2005, New York City passed Local Law 129, which created an M/WBE program to expand government contracting opportunities for minority and women owned businesses; and

Whereas, Local Law 129 established target percentages for annual agency expenditures on certain types of contracts to be awarded to M/WBEs; and

Whereas, In order for a minority and women owned business to participate in the City's M/WBE program, the business must be certified as an M/WBE by the Department of Small Business Services; and

Whereas, Although certification efforts are increasing, according to the Mayor's Office of Contract Services' Fiscal Year 2008 Agency Procurement Indicators, the number of M/WBE firms who win contracts remains far below the target percentages set by Local Law 129; and

Whereas, New York State General Municipal Law section 103 requires that qualifying contracts be awarded to the lowest responsible bidder; and

Whereas, As many M/WBEs are losing bids by a few percentage points, legislation permitting localities to give certified M/WBE firms a small price preference could help address this problem; and

Whereas, General Municipal law section 104-a currently allows political subdivisions to exercise a price preference when purchasing recycled products at a cost premium not to exceed ten percent of what a non-recycled product would cost; and

Whereas, Amending section 104-a of the General Municipal law in a similar way for certified M/WBEs could allow municipalities to give certified M/WBEs a small price preference when awarding qualifying contracts; and

Whereas, Assembly bill A. 6807 of 2009 and Senate bill S. 3185 of 2009, which authorize political subdivisions with M/WBE programs to award qualifying contracts under one million dollars to the lowest M/WBE bid if it does not exceed the lowest overall bid by more than ten percent, may address the disparity that still exists between the availability and utilization of MWBE firms; now therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass and the Governor to sign A. 6807 and S. 3185 of 2009, which authorize political subdivisions to award public procurement contracts to participants of a minority and women owned business enterprise program at a cost premium not to exceed ten percent of the lowest bid.

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